



# Public Notice

US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

Public Notice Number: 200500672

Date: November 29, 2005

Comments Due: December 29, 2005

In reply, please refer to the Public Notice Number

**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Vista Oaks project, which would result in impacts to approximately 1.0 acre of waters of the United States, including wetlands, in or adjacent to the Secret Ravine. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

**AUTHORITY:** This application is being evaluated under Section 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States and/or Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

**APPLICANT:** Guntert Family Real Estate Limited Partnership  
222 East 4th Street.  
Ripon, CA 95366

**Applicant Contact:** Terry Lowell  
Terrance E. Lowell and Associates, Inc.  
1528 Eureka Road, Suite 100  
Roseville, CA 95661  
Phone: (916) 786-0685

**LOCATION:** The project site is located in located southeast of Highway 80, north of Secret Ravine Parkway, and west of Sierra College Boulevard in the City of Rocklin, Placer County, California. The site corresponds to a portion of Section 30, Township 11 North, and Range 7 East (MDBM) of the Rocklin, California 7.5-minute quadrangle (U.S. Department of the Interior, Geological Survey 1981). The approximate center of the site is located at 38° 46' 30" North and 121° 13' 50" West within the Lower American Watershed (#18020111, U.S. Department of Interior, Geological Survey 1978).

**PROJECT DESCRIPTION:** The applicant is proposing to construct a residential development and an open space area surrounding Secret Ravine. The project consists of the development of 100 single-family dwelling units developed in three phases in three locations on the Vista Oaks project site in southeast Rocklin. Vista Oaks Phase I would involve the development of approximately 23 single-family residences in the northeastern portion of the project site. Phase II, located just south of Phase I on the eastern portion of the project site and includes the development of approximately 29 single family homes. Phase III, located in the southern portion of project site, includes the development of 48 single-family homes. The proposed Highlands Parcel A project adjoins the eastern boundary of the Vista Oaks site.

Approximately 87% of the waters of the U.S. located on-site will be placed in the proposed open space preserve. The open space preserve will include a bike trail with a crossing over Secret Ravine. The crossing will consist of a 125-foot bridge with piers every 25 to 30 feet. The bridge has been designed to span the ravine and the associated floodway, without impacting the ravine below the Ordinary High Water Mark (OHWM).

As part of the project, the City of Rocklin is requiring the extension of Monument Springs Drive from the eastern boundary of the proposed Vista Oaks Rocklin site, east to connect to the existing portion located in the Granite Lake subdivision. Impacts associated with the road are included in this application.

The approximately 93-acre subject property is located within the City of Rocklin boundary. Secret Ravine and its 100-year Flood Plain transect the site along the northern edge. The development of the proposed project will encroach within the 100-year Flood Plain at the northwestern edge of the property. However, the development will include establishing a 56-acre open space preserve (approximately 60% of the project area) to protect existing wetland and wildlife habitat and accommodate proposed compensation wetland habitat (Figure 2 Preserve/Impact Map and Attachment F).

A pre-application meeting for the proposed project was held on July 7, 2005, at the Corps of Engineers office. Comments received from the agencies at this meeting have been incorporated into the proposed project where practicable.

#### **ADDITIONAL INFORMATION:**

**Environmental Setting.** The project site is approximately 93 acres in size and includes Secret Ravine, the associated riparian woodland, the 100-year flood plain, and adjacent undeveloped grassland. Three primary vegetation communities exist within the project area: grassland, riparian and oak woodland (Valley oak and blue oak dominated). Annual grassland habitat exists along the southeastern portions of the property. The grassland is dominated by non-native plant species such as silver hairgrass (*Aira caryophyllea*), wild oat (*Avena fatua*), soft brome (*Bromus hordeaceus*), filaree (*Erodium botrys*), sticky tarweed (*Holocarpha virgata*), and bicolored lupine (*Lupinus bicolor*).

Jurisdictional waters of the U.S. mapped on the project site include wetlands (4.21 acres) and other waters (3.46 acres). Wetlands consist of vernal pools (0.01 acre) and seasonal wetlands (3.09 acres). Other waters include channels (0.05 acre), perennial creek (3.40 acres) and intermittent drainage (0.01 acre). The on-site delineation was verified by the Corps on July 29, 2002.

In addition, the offsite area, which includes the extension of Monument Springs Drive east from the eastern boundary of the proposed Vista Oaks Rocklin site to the Granite Lake subdivision, was delineated on September 5, 7, and 9, 2005, and was submitted for verification on October 7, 2005. Potentially jurisdictional waters of the U.S. mapped include wetlands (0.226 acre) and other waters (0.132 acre). Wetlands consist of seeps (0.154 acre) and seasonal wetlands swales (0.072 acre). Other waters include an intermittent drainage (0.132 acre).

**Alternatives.** The applicant has/has not provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent.

**Mitigation.** The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation.

The proposed project is the result of extensive planning and the design is aimed at reducing impacts to wetlands and habitat for endangered species. Preliminary open space boundaries, as shown on the preliminary land use plans developed by the project engineers, were reconfigured to avoid impact to Secret Ravine and the woodland habitat, and to provide buffers for increased habitat protection.

Through preservation of over 87% of the site's wetlands within a 56-acre preserve area, the proposed project has limited impacts primarily to areas where wetlands are sparsely distributed. The proposed open space would protect the most significant habitats on the site, and would also permanently establish an open space link between the designated public open space to the east and the future Elliott Homes open space area (currently undesignated) to the west.

The protection of cultural resources has placed some constraints on the alignment of the pedestrian/bike trail throughout the open space area; therefore, the close proximity of the trail to some water features on-site is considered unavoidable. The applicant has proposed to preserve the remaining 6.7 acres or waters of the United States and purchase 1.0 acres of credits at a Corps-approved mitigation bank to compensate for unavoidable fill.

#### **OTHER GOVERNMENTAL AUTHORIZATIONS:**

Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Regional Water Quality Control Board is required for this project. The applicant will apply for certification. A Streambed Alteration Agreement application will be submitted to the California Department of Fish and Game prior to construction for impacts to the channel and intermittent drainage.

#### **HISTORIC PROPERTIES:**

Based on the available information (including applicant's Cultural Literature Search for the proposed project and two previous archaeological surveys: Peak and Associates, 1989: Cultural Resource Assessment of the Gunter Property, Placer County, California; and Ric Windmiller, 2003: Evaluation of Cultural Resources Rocklin, Placer County, California), cultural resources, potentially eligible cultural resources may be affected by the proposed project. The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Preservation Act, as appropriate.

#### **ENDANGERED SPECIES:**

The proposed activity may affect Federally listed endangered or threatened species or their critical habitat. Although of poor habitat quality, two small vernal pools may be considered by USFWS to constitute potential habitat for vernal pool fairy shrimp (*Branchinecta lynchi*) and/or the vernal pool tadpole shrimp (*Lepidurus packardii*). The seasonal wetlands and seasonal wetland swales within the project area have similar characteristics to seeps, in that they are seasonally wet areas resulting from discharge or groundwater to the surface, they are, therefore, not suitable as habitat for vernal pool fairy shrimp. Project implementation also represents potential impacts to the federally threatened Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*). An Elderberry Impact Map and the determinate Elderberry Survey for Vista Oaks Rocklin have also been provided by the applicant. The Corps will initiate consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, as appropriate.

#### **ESSENTIAL FISH HABITAT:**

The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act. Secret Ravine is Critical Habitat for Steelhead (Central Valley Evolutionary Significant Unit (ESU)) (*Onchorynchus mykiss*), which is listed as threatened. It is also Essential Fish Habitat for Central Valley Fall and Late Fall-run ESU Chinook salmon (*Oncorhynchus tshawytscha*), which is not listed as threatened or endangered, but is a candidate for listing. However, the bridge footers for the pedestrian/bike trail crossing over Secret Ravine would not impact below the Ordinary High Water Mark, and therefore, with proper best management practices, project construction would not impact these species.

The above determinations are based on information provided by the applicant and our preliminary review.

**EVALUATION FACTORS:**

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**SUBMITTING COMMENTS:** Written comments, referencing Public Notice 200500672, must be submitted to the office listed below on or before December 29, 2005:

Andrea Jones, Project Manager  
US Army Corps of Engineers, Sacramento District  
Sacramento Valley Office  
1325 J Street, Room 1480  
Sacramento, California 95814-2922  
Email: [Andrea.J.Jones@usace.army.mil](mailto:Andrea.J.Jones@usace.army.mil)

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Andrea Jones, 916-557-7745, [Andrea.J.Jones@usace.army.mil](mailto:Andrea.J.Jones@usace.army.mil).

Attachments:

- Figure 1. Project Site and Vicinity Map
- Figure 2. Wetland Delineation (main site)
- Figure 3. Wetland Delienation (access road)
- Figure 4. Proposed Development Map